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8 Attorneys for Plaintiff and Counterdefendant
 APPLE INC.

10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 APPLE INC., a California corporation,

14 Plaintiff,

15 v.

16 PSYSTAR CORPORATION, a Florida
 corporation, and DOES 1-10, inclusive,

17 Defendants.

18 AND RELATED COUNTERCLAIMS
 19

Case No. CV 08-03251 WHA

**[PROPOSED] ORDER DENYING
 PSYSTAR CORPORATION'S MOTION
 TO STRIKE THE DECLARATION OF
 JACQUES VIDRINE AND FOR
 SANCTIONS**

Date: September 24, 2009

Time: 8:00 a.m.

Courtroom: 9

Trial Date: January 11, 2010

1 Plaintiff and Counterdefendant Apple Inc.'s Opposition to Psystar's Motion to Strike the
2 Declaration of Jacques Vidrine and for Sanctions was heard by this Court on September 24, 2009.
3 Having considered the papers and arguments of counsel, the Court **DENIES** Psystar's motion.

4 **IT IS SO ORDERED.**

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6 DATED:

7 Hon. William Alsup
8 United States District Judge
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CERTIFICATE OF SERVICE

I, Esther Casillas, declare I am employed in the City and County of San Francisco, California in the office of a member of the bar of this court at whose direction this service was made. I am over the age of eighteen and not a party to this action. My business address is Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, California, 94111.

I served the following documents exactly entitled: **[PROPOSED] ORDER DENYING PSYSTAR CORPORATION'S MOTION TO STRIKE THE DECLARATION OF JACQUES VIDRINE AND FOR SANCTIONS** on the interested parties in this action following the ordinary business practice of Townsend and Townsend and Crew LLP, as follows:

A.D. Camara Camara & Sibley LLP 2339 University Boulevard Houston, TX 77005 Phone: 713-893-7973 Fax: 713-583-1131	email: camara@camarasibley.com
David Vernon Welker Welker & Rosario 2230 Skillern Drive Boise, Idaho 83709 Phone: 949-378-2900 Fax: 717-924-6627	email: david.welker@werolaw.com

☐ [By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

☒ [By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

☐ [By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

☐ [By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

☒ [By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address indicated for the party(ies) listed above via the court's ECF notification system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on September 21, 2009, at San Francisco, California.

/s/ Esther Casillas
Esther Casillas

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